

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Gavin	Team: Squad #1	CCRB Case #: 201806582	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/10/2018 6:00 PM	Location of Incident: [REDACTED]	Precinct: 81	18 Mo. SOL 2/10/2020	EO SOL 2/10/2020	
Date/Time CV Reported Fri, 08/10/2018 8:09 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 08/10/2018 8:09 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Christian Angeron	14678	961619	081 PCT
2. POF Nicki Canady	02568	960316	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christian Angeron	Abuse: Police Officer Christian Angeron entered § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
B.POF Nicki Canady	Abuse: Police Officer Nicki Canady entered § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
C.POF Nicki Canady	Off. Language: Police Officer Nicki Canady gestured offensively toward § 87(2)(b) [REDACTED] based upon § 87(2)(b) [REDACTED]'s perceived sexual orientation.	[REDACTED]

## Case Summary

On August 10 and August 11, 2018, § 87(2)(b) filed this complaint with the CCRB via the on-line website.

On August 10, 2018, at approximately 6:00 PM, Adult Protective Services social worker § 87(2)(b) visited § 87(2)(b) in Brooklyn, § 87(2)(b)'s residence, and called for police assistance with a wellness check. PO Christian Angeron and PO Nicki Canady, of the 81<sup>st</sup> Precinct, entered the building with § 87(2)(b) (**Allegation A: Abuse of Authority:** § 87(2)(g) (**Allegation B: Abuse of Authority:** § 87(2)(g) While the officers spoke with § 87(2)(b) PO Canady allegedly made a snapping gesture to § 87(2)(b) imitating and mocking him (**Allegation C: Offensive Language:** § 87(2)(g) § 87(2)(b) refused medical treatment from EMS and the officers left the location.

There is no video footage available for this case.

## Findings and Recommendations

**Allegation A: Abuse of Authority: Police Officer Christian Angeron entered § 87(2)(b) in Brooklyn.**

**Allegation B: Abuse of Authority: Police Officer Nicki Canady entered § 87(2)(b) in Brooklyn.**

§ 87(2)(b) testified that he resides at § 87(2)(b) in Brooklyn, and is the only resident of the building, in which he resides on the § 87(2)(b) floor. Prior to the incident, § 87(2)(b) had been receiving assistance from social workers from § 87(2)(b) and had been receiving food from the Meals on Wheels program. § 87(2)(b) had a dispute with Meals on Wheels prior to the incident, and on August 6, 2018, the week of the incident, § 87(2)(b) informed Meals on Wheels via voicemail message that he was suspending their services until further notice. § 87(2)(b) then received a call from a social worker of Adult Protective Services (APS), and § 87(2)(b) told APS that he did not wish to be disturbed until August 14, 2018. On August 10, 2018, § 87(2)(b) received 50 to 100 messages on his landline phone, including messages from APS, that he did not answer or return because he was not home. At approximately 6:00 PM that day, § 87(2)(b) was sleeping in a room on the § 87(2)(b) when he heard a knock at the door. § 87(2)(b) heard a female voice asking who was in the room. § 87(2)(b) provided his name and stated that he was going to call the police. The female responded and said that she was the police. § 87(2)(b) called 911 and the operator informed him that the police were at the location. § 87(2)(b) waited approximately five to ten minutes before leaving the building. Outside the building, § 87(2)(b) spoke with two police officers, identified to the investigation as PO Angeron and PO Canady, who were with a social worker, § 87(2)(b) § 87(2)(b) told the officers that they broke into his apartment. EMS arrived, but § 87(2)(b) refused medical treatment, and the officers left. During his interview, § 87(2)(b) presented photos of alleged damage to the doors of his building. One photo showed two pieces of a lock he found on the door. The second photo was of the door the lock pieces came from. A third photo captured the iron gate at the entrance to the property (Board Review 01) (Board Review 02) (Board Review 03) (Board Review 04).

§ 87(2)(b) is § 87(2)(b)'s case worker at APS. § 87(2)(b) testified that § 87(2)(b) was the social worker who was at the location during the incident. Adult Protective Services does wellness checks when a client does not answer their phone calls after a set period of time and depending on whether a client lives alone. Social workers have the NYPD come with them to wellness checks due to safety concerns, and the NYPD determines whether or not to forcibly enter a location. Clients do not give APS any keys or access to their homes (Board Review 05).

§ 87(2)(b) testified that § 87(2)(b) briefed her on § 87(2)(b)'s case and said that she had not heard from § 87(2)(b) and called acquaintances of § 87(2)(b) who said that they had not heard from him. At the time of the incident, § 87(2)(b)'s home was in foreclosure and had no working heat, air conditioning, or gas. § 87(2)(b) went to the location but could not enter because it was gated. The windows were all obscured and no lights or movement was visible inside the residence. § 87(2)(b) rang the doorbell at the gate and received no response. § 87(2)(b) contacted § 87(2)(b)'s brother, who told her that he had not spoken to § 87(2)(b). § 87(2)(b) called her supervisor, § 87(2)(b) and asked what to do. § 87(2)(b) told § 87(2)(b) to perform a wellness check, which involved calling the police and EMS. § 87(2)(b) called 911 and PO Angeron and PO Canady responded. § 87(2)(b) explained the situation to the officers. PO Angeron hopped over the gate and knocked on the door beyond the gate. There was no answer at the door. PO Angeron asked § 87(2)(b) if she believed § 87(2)(b) was inside, and § 87(2)(b) told him that she was unsure. PO Angeron shook the door and it opened. PO Angeron and PO Canady went into the building and told § 87(2)(b) to wait outside. PO Angeron and PO Canady returned a few minutes later and said that they believed they found § 87(2)(b) on the § 87(2)(b) floor. § 87(2)(b) entered the house, went to the § 87(2)(b) floor, and spoke to § 87(2)(b) through a crack in the door. PO Angeron left the building because there was no circulation and he was too hot. § 87(2)(b) asked § 87(2)(b) if he was okay, and § 87(2)(b) said he was ok but told § 87(2)(b) to leave. § 87(2)(b) called § 87(2)(b) again and told her that there was no ventilation in the building. § 87(2)(b) instructed her to call EMS. § 87(2)(b) exited his building and complained that § 87(2)(b) broke his door. PO Canady told § 87(2)(b) that they entered his residence on her behalf to check on him. EMS arrived and § 87(2)(b) refused medical treatment (Board Review 06).

PO Angeron and PO Canady provided consistent testimony in that § 87(2)(b) was unresponsive to all contact attempts, that both officers entered § 87(2)(b)'s building with § 87(2)(b) and that the purpose of this entry was for a wellness check. The officers and § 87(2)(b) found § 87(2)(b) on the § 87(2)(b) floor, and § 87(2)(b) ordered the officers and § 87(2)(b) to leave his building. The officers and § 87(2)(b) left the building, and § 87(2)(b) left his building several minutes later. § 87(2)(b) refused treatment from EMS, and the officers left (Board Review 07 and Board Review 08).

It is undisputed that § 87(2)(b) was unresponsive to all contact attempts, and PO Angeron and PO Canady entered § 87(2)(b)'s home in response to a call for assistance from social services.

Under People v. Desmarat 38 A.D. 3d 913 (App. Div.2007), officers are permitted to enter a residence if they possess reasonable grounds to believe that an emergency exists or there is an immediate need for their assistance to protect life or property (Board Review 09).

§ 87(2)(g)

**Allegation C: Offensive Language: Police Officer Nicki Canady gestured offensively toward § 87(2)(b) based upon § 87(2)(b)s perceived sexual orientation.**

§ 87(2)(b) testified that while he was speaking to PO Angeron and PO Canady outside of his building, PO Canady moved her hands and snapped her fingers in a way in which § 87(2)(b) believed were meant to mock him and believed that PO Canady was indicating that he was a homosexual (Board Review 01).

§ 87(2)(b) testified that she did not see whether or not PO Canady made any gestures mocking or imitating § 87(2)(b) (Board Review 06).

PO Angeron testified that he did not see PO Canady make any snapping gesture or otherwise mock or imitate § 87(2)(b) (Board Review 07).

PO Canady testified that she did not imitate § 87(2)(b) or snap her fingers at him (Board Review 08).

Patrol Guide Procedure 203-10 states that officers are prohibited from using discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability (Board Review 10).

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 11).
- Police Officer Christian Angeron has been a member-of-service for two years and has been named as a subject in one CCRB complaint and one allegation, which was not substantiated.  
§ 87(2)(g)
- Police Officer Nicki Canady has been a member-of-service for three years and has been named as a subject in four CCRB complaints and seven allegations, none of which were

substantiated. § 87(2)(g)

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- As of March 21, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 12).

§ 87(2)(b) § 87(2)(c)

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date